

FILED IN CHAMBERS  
U.S.D.C. Atlanta

AUG 30 2013

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISIONJAMES A. HATTEN, Clerk  
BY:  
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

PABLO MALDONADO PENALOSA,

Defendant

CRIMINAL ACTION  
NO. 1:13-CR-336-JEC**REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY<sup>1</sup>**

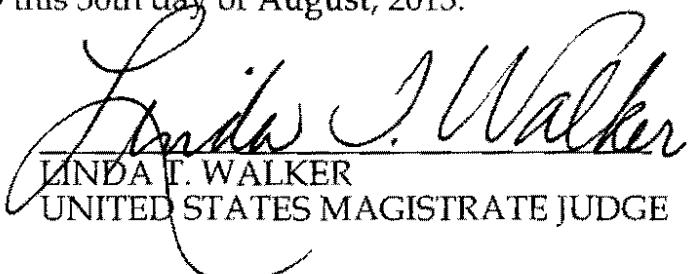
The Defendant, Pablo Maldonado Penalosa ("Defendant"), by consent, has appeared before the undersigned United States Magistrate Judge and has entered a plea of guilty to Count One of the Information. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I have determined that the guilty plea was knowing and voluntary, and that the plea to the offense charged is supported by an independent basis in fact establishing each of the essential elements of the offense. I have also determined that, to the maximum extent permitted by federal law, the Defendant has voluntarily and expressly waived his right to appeal the conviction and sentence and the right to collaterally attack his sentence in any post-conviction proceedings, including by motion filed pursuant to 28 U.S.C. § 2255, on any ground, except that the Defendant may file a direct appeal of an upward departure or a variance from the sentencing guideline range as calculated by the district court, and if the Government appeals the sentence imposed, the Defendant may

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<sup>1</sup> Failure to file written objections to this Report and Recommendation within **FOURTEEN (14) DAYS** after service of a copy of this Report and Recommendation shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

also file a cross-appeal of that same sentence. It is, therefore, RECOMMENDED that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

IT IS SO RECOMMENDED this 30th day of August, 2013.

  
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LINDA T. WALKER  
UNITED STATES MAGISTRATE JUDGE